

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EXELTIS USA INC.,
Plaintiff,

v.

FIRST DATABANK, INC.,
Defendant.

Case No. [19-cv-00684-HSG](#)

**ORDER DENYING MOTION FOR
RELIEF; DENYING MOTION TO
SEAL; CLOSING CASE**

Re: Dkt. Nos. 22, 23

Currently before the Court are First Databank, Inc.'s (1) motion for relief from Magistrate Judge Kim's non-dispositive pre-trial order, Dkt. No. 20, quashing a third-party subpoena served on Avion Pharmaceuticals, LLC, Dkt. No. 23; and (2) a motion to seal portions of the motion and underlying exhibits, Dkt. No. 22.

A pretrial order by a magistrate judge will be reversed only if it "is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). The Court has carefully reviewed Judge Kim's order, Defendant's motion, and the relevant legal authorities. Judge Kim's order is well-reasoned and thorough. The Court affirms the non-dispositive order because it is not "clearly erroneous or contrary to law." *See Grimes v. City & Cty. of San Francisco*, 951 F.2d 236, 240 (9th Cir. 1991). Accordingly, the Court **DENIES** Defendant's motion for relief from Judge Kim's non-dispositive pretrial order.


Defendant also moved to seal portions of the motion and underlying exhibits, asserting that they have been designated as confidential by Plaintiff under the protective order in the related case. *See* Dkt. No. 22 at 2. Because Plaintiff has not filed a declaration establishing that this material is sealable, *see* Civ. L.R. 79-5(e), the Court **DENIES** the motion to seal. Defendant is **DIRECTED** to file unredacted versions of these documents in the public record within 10 days.

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Further, because this case was opened for the sole purpose of adjudicating Avion’s motion to quash, which has now been resolved, the Clerk is **DIRECTED** to close the case.

IT IS SO ORDERED.

Dated: 5/7/2019


HAYWOOD S. GILLIAM, JR.
United States District Judge